

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION

CHRISTOPHER LEE AMERSON,

Plaintiff

VS.

HILTON HALL, *et al.*,

Defendants

NO. 5:07-CV-148 (WDO)

PROCEEDINGS UNDER 42 U.S.C. §1983  
BEFORE THE U. S. MAGISTRATE JUDGE

<b>RECOMMENDATION</b>
-----------------------

Before the court is the defendants' MOTION TO DISMISS the above-styled case which alleges that plaintiff CHRISTOPHER LEE AMERSON has **failed to exhaust the administrative remedies** available to him before filing this federal suit as required by the Prison Litigation Reform Act of 1995. Tab #11. Plaintiff Amerson has responded to the defendants' motion, and the undersigned directed him to supplement his response with evidence of the processes he went through at the administrative level. Tabs #14 and #15. In the court's order directing the plaintiff to supplement his response, Amerson was cautioned that failure to provide such evidence would result in a recommendation of dismissal. However, Amerson failed to provide the court with any evidence of the administrative procedures.<sup>1</sup>

Accordingly, IT IS RECOMMENDED that the defendants' MOTION TO DISMISS be **GRANTED** and that the instant action be **DISMISSED** *without prejudice*.<sup>2</sup>

---

<sup>1</sup>Plaintiff Amerson did file an unsworn letter to the clerk in which he alleges that he sent copies of denied grievances to the court. Tab #16. However, the court has no record of their receipt. If plaintiff Amerson can produce such records within the time frame permitted by 28 U.S.C. §636(b)(1) for him to object to this Recommendation, the undersigned will take any such records into consideration and will contemplate vacating this Recommendation.

<sup>2</sup>All dismissals for failure to exhaust administrative remedies must be without prejudice.

Pursuant to 28 U.S.C. §636(b)(1), the parties may serve and file written objections to this RECOMMENDATION with the district judge to whom this case is assigned **WITHIN TEN (10) DAYS** after being served with a copy thereof.

SO RECOMMENDED this 9<sup>th</sup> day of NOVEMBER, 2007.



A handwritten signature in blue ink, reading "Claude W. Hicks, Jr." in a cursive script.

CLAUDE W. HICKS, JR.  
UNITED STATES MAGISTRATE JUDGE